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Draft

NATIONAL SECURITY COUNCIL INTELLIGENCE DIRECTIVE NO. 5

ESPIONAGE AND COUNTERINTELLIGENCE

Pursuant to the provisions of Section 102 (d) of the National Security Act of 1947, as amended, the National Security Council hereby authorizes and directs that:

1. The Central Intelligence Agency shall conduct all national espionage outside the United States and its possessions in order to meet the needs of all Departments and Agencies concerned, in connection with the national security, except for certain agreed activities by other Departments and Agencies.

2. The Central Intelligence Agency shall conduct all counter-intelligence outside the United States and its possessions, except that this authority shall not preclude the departmental counterintelligence activities, and certain agreed counterintelligence activities pertaining thereto, of other Departments and Agencies, necessary for the protection of their respective personnel, operations, installations, material, and equipment. Each Department or Agency with personnel or installations located outside the United States and its possessions is responsible for the counterintelligence protection of such personnel or installations.

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3. For the purpose of this directive:

a. Espionage is defined as the clandestine procurement of information.

b. Counterintelligence is defined as that activity, with its resultant product, which is undertaken to protect the security of the nation, and its personnel and installations abroad, against espionage, counterespionage, sabotage, and subversion. As an activity, counterintelligence is the process of procuring, developing, and recording information concerning espionage, counterespionage, sabotage, and subversion directed against the national security, and of penetrating, manipulating, or repressing individuals, groups, or organizations conducting or capable of conducting, such acts.

4. The Central Intelligence Agency shall be responsible for maintaining as a service of common concern the central indices and records of foreign counterintelligence information. It shall be the obligation of the Departments and Agencies to assist the Central Intelligence Agency in the execution of this responsibility by contributing to the central file, on a continuing basis, all pertinent material collected by them.

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5. To promote the over-all interests of the U. S. intelligence community the Director of Central Intelligence shall, in consultation with the Intelligence Advisory Committee, coordinate all activities authorized herein except in active theaters of war where U. S. forces are engaged in combat, in which event the provisions of paragraph 12, below, shall apply.

6. The Director of Central Intelligence shall coordinate foreign clandestine intelligence collection with overt collection abroad. He shall also insure in consultation with the Intelligence Advisory Committee that counterintelligence activity abroad is coordinated with the Departments and Agencies responsible for domestic counterintelligence to the extent necessary to insure conformity with the policies enunciated by the National Security Council. The Director of Central Intelligence shall invite Departments and Agencies not permanent members of the Intelligence Advisory Committee which have counterintelligence responsibilities abroad to participate in the Intelligence Advisory Committee deliberations when counterintelligence matters affecting such responsibilities are under consideration.

7. Other Departments and Agencies shall assist the Central Intelligence Agency in its conduct of espionage by providing continuous

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and timely guidance, specific collection requirements, and assessments of intelligence information collected.

8. In the conduct of national espionage and counterintelligence the Director of Central Intelligence shall make arrangements with the Departments and Agencies for such cover support as may be needed by the Central Intelligence Agency.

9. In a foreign area other than an active theater of war where U. S. forces are engaged in combat, the designated representative of the Director of Central Intelligence shall keep the senior U. S. representative appropriately advised of U. S. espionage and counterintelligence activities conducted in or from the area.

10. In a foreign area where major U. S. military commands are stationed, the designated representative of the Director of Central Intelligence shall keep the senior U. S. military commanders informed of the espionage and counterintelligence operations conducted by the Central Intelligence Agency in or from the area in direct support of the commanders.

11. The Central Intelligence Agency is responsible for the establishment, conduct, and development of liaison concerning clandestine matters with foreign intelligence and security services.

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Other Departments and Agencies may conduct liaison on non-clandestine matters with foreign intelligence and security services as required for the proper execution of their missions. However, all liaison which concerns or affects clandestine matters shall be coordinated in advance and on a continuing basis with the Central Intelligence Agency in order to insure that such relationships are beneficial to the over-all clandestine interests of the U. S.

12. In active theaters of war where U. S. forces are engaged in combat:

a. All resources of the Central Intelligence Agency shall be included in a CIA Theater Force and, through the CIA commander thereof, shall provide espionage and counterintelligence support to military operations in accordance with the requirements of the U. S. Military Theater Commander or the Joint Chiefs of Staff.

b. Such exceptional espionage and counterintelligence operations as may be conducted by the CIA Theater Force in support of national requirements as distinguished from those operations conducted in support of the Military Theater

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Commander shall be coordinated by the Director of Central Intelligence with the Joint Chiefs of Staff.

c. The Director of Central Intelligence and the Joint Chiefs of Staff shall establish procedures for the coordination of liaison between U. S. military commanders and foreign services concerning clandestine matters.

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